

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	CRIMINAL ACTION
v.	NO. 15-cr-377-1
JEAN BAPTISTE ALVAREZ	

MEMORANDUM RE: POST-TRIAL MOTIONS

Baylson, J.

July 22, 2016

The Defendant was convicted by a trial by jury with one count of conspiracy and four counts of Social Security fraud. The Defendant has filed a detailed Memorandum of Law in Support of Defendant's Post-Trial Motion for Judgment of Acquittal and/or New Trial Pursuant to Federal Rules of Criminal Procedure 29 and 33 (ECF 70). The Court has reviewed the Defendant's Memorandum, which although lengthy and full of narrative describing some of the evidence at trial, omits significant evidence introduced by the government, and does not recognize the rule that following a jury verdict of guilty, the Court is obliged to review the evidence in the light most favorable to the government.

The government's Memorandum also contains lengthy discussions of the testimony introduced at trial, which the Court reviews as more reliable. Basically, the government relied on testimony of a cooperating defendant, Peterson Rene, who testified to his substantial role in an attempt to defraud Social Security by filing false claims. Mr. Rene's testimony established the existence of a conspiracy and the Defendant's participation in the conspiracy. In addition, the government introduced recorded conversations with the Defendant which corroborated Mr. Rene's testimony. There was significant and sufficient testimony to support the verdict, and the

Court finds that the government's discussion of the trial testimony and demonstrates the sufficiency of the evidence to support the guilty verdicts for Counts One through Five.

The evidentiary rulings about which the Defendant complains, either in pretrial proceedings or at trial, were explained and the Defendant has failed to show the Court abused its discretion in any way or that an error of law was made.

For these reasons, the Defendant's Post-Trial Motion for Judgment of Acquittal and/or New Trial Pursuant to Federal Rules of Criminal Procedure 29 and 33 (ECF 70) will be denied.

O:\Criminal Cases\15cr377 alvarez\15cr377 Memorandum.docx